

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Carolyn P. Knight,

Plaintiff,

v.

Crystal Geyser Roxanne LLC,

Defendant.

C.A. No. 6:09-cv-02011-JMC

ORDER

Plaintiff Carolyn P. Knight filed this action against Defendant Crystal Geyser Roxanne LLC alleging negligence arising from defendant's alleged production of a bottle of water with a foreign object in it. Defendant filed a Motion for Summary Judgment [Doc. # 45]. The Magistrate Judge's Report and Recommendation [Doc. # 61], filed on October 18, 2010, recommended that Defendant's motion be granted because Plaintiff failed to demonstrate any issue of material fact and failed to establish the essential elements of her claim. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court

may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

After receiving the Magistrate Judge's Report and Recommendation on the Defendant's Motion for Summary Judgment, Plaintiff timely filed objections. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Plaintiff submitted a two-page objection in which she explained her inability to sing as she would like and included a document entitled "Certificate of Analysis." The Certificate of Analysis purports to identify a substance contained in a bottle labeled "Clover Valley Natural Spring Water," but does not contain any reference as to how the document relates to the case. Assuming Plaintiff submitted the document to show that the water bottle at issue contained a foreign substance, the document still falls short of providing evidence as to any of the elements of Plaintiff's cause of action for negligence against Defendant. Upon additional review, the court finds that Plaintiff's objections are non-specific and unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation. Therefore, after a thorough review of the Magistrate Judge's Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein.

It is therefore **ORDERED** that Defendant's Motion for Summary Judgment [Doc. # 45] is granted and Plaintiff's Complaint is dismissed with prejudice.

IT IS SO ORDERED.

s/ J. Michelle Childs
United States District Judge

Greenville, South Carolina
January 26, 2011